

Notice of Allowability

Application No.

10/606,932

Examiner

Lars A Olson

Applicant(s)

KITSU ET AL.

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 27 June 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 06272003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for Allowance

1. A preliminary amendment was received from the applicant on June 27, 2003.
2. Claims 1-6 are allowed.
3. The following is an examiner's statement of reasons for allowance. The outboard motor as claimed is not shown or suggested in the prior art because of the use of an outboard motor that is comprised of a swivel case that axially and steerably supports a propulsion unit, left and right stern brackets that are disposed on either side of said swivel case and support said swivel case in a vertically tilting manner by means of a tilt shaft, upper and lower pivot shafts that are mounted parallel to said tilt shaft and are provided in said swivel case and said left and right stern brackets, and upper and lower end portions of an extendable part of a tilt system that are mounted on said upper and lower pivot shafts, where said upper pivot shaft is provided with first and second mounting parts that are offset in mutually opposite directions from a central position between said left and right stern brackets, the offset of said second mounting part is set smaller than the offset of said first mounting part, and said upper end portion of said extendable part of said tilt system is mounted selectively on one of said first and second mounting parts, depending upon the type of tilt system utilized.
4. The prior art as disclosed by Oguma (US 6,398,601 and US 6,309,265), Natsume (US 6,183,320), Uematsu (US 6,139,380), Soda et al. (US 5,358,436), Kinoshita (US 5,156,561) and Ito et al. (US 5,049,099) shows the use of various power tilt mounting systems for outboard motors, where a tilt cylinder system is either centrally

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mounted within a stern bracket, or mounted offset to one side in order to accommodate a fluid reservoir beside said tilt cylinder within said stern bracket. However, none of the prior art cited shows or suggests the use of an outboard motor that is comprised of a swivel case that axially and steerably supports a propulsion unit, left and right stern brackets that are disposed on either side of said swivel case and support said swivel case in a vertically tilting manner by means of a tilt shaft, upper and lower pivot shafts that are mounted parallel to said tilt shaft and are provided in said swivel case and said left and right stern brackets, and upper and lower end portions of an extendable part of a tilt system that are mounted on said upper and lower pivot shafts, where said upper pivot shaft is provided with first and second mounting parts that are offset in mutually opposite directions from a central position between said left and right stern brackets, the offset of said second mounting part is set smaller than the offset of said first mounting part, and said upper end portion of said extendable part of said tilt system is mounted selectively on one of said first and second mounting parts, depending upon the type of tilt system utilized.

Conclusion

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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6. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number (703) 308-9807.

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July 13, 2004

LARS A. OLSON
PATENT EXAMINER

Lars Olson
7/13/04